

1891-010

Lee Co.

Chancery Causes: William J. Hutton for &c vs. G. T. Houndshell

17/organ

CA-Debt

T-Property

To the Hon. H. S. K. Merison Judge of the Circuit
Court of Lee County Virginia

Humbly complimenting your Orator William J.
Hutton who sues for the benefit of Henry J. Morgan and
respectfully represents, that one G. T. Handschell is
justly indebted to him in the sum of \$78.50 with legal
interest thereon from January 26 1886, till paid, as is shown
by his three notes or bonds herewith filed as parts of this bill
marked A, B, & C.

By the said note or bond marked (A) the said G. T. Handschell
on the 26th day of January 1886 undertook and bound himself
one day after that date to pay your Orator the sum of \$25.00
part of the sum above mentioned for value received in
land and on the back of said note there are the following
credits which have been paid thereon to wit \$2.50 paid
January 26 1886, \$2.50 paid April 19 1887 and \$3.00 paid March
the 5th 1889. By the note or bond marked (B) the said G. T.
Handschell on said 26th day of January 1886 undertook
and bound himself to pay to your Orator the further sum
of \$28.50 one day after the date thereof, a further part of
the sum first above mentioned for value received in land
and on this note the following payments ^{have been made thereon} to wit \$2.50 paid the
19th day of April 1887, and \$3.00 paid March the 5th 1889 &
By the third and last of said notes or bonds marked (C) the
said G. T. Handschell on said 26th day of January 1886 undertook
and bound himself hereon to pay to your Orator one day
after the date thereof the further sum of \$25.00, and
the following payments have been made thereon \$2.50 paid
April 19th 1887, and \$3.00 paid March 5th 1889 and as to the
debts mentioned in said three bonds the said Handschell
waived the benefit of his homestead exemption

Your Orator states that subject to the credits above stated
the balance due on said three notes, is now due and owing

1 to ^{from the said G. J. Handschell} your Orator, no other or further payments having
2 ever been made thereon by him or any one else.

3 Complainant States, that he contracted and sold
4 to said G. J. Handschell about acres of land lying and
5 being in said county of Lee, and on Trading creek, about 11
6 West of Jonesville and adjoining the lands of
7

8 Your Orator States, that by deed dated the day of
9 18 He conveyed to said G. J. Handschell said tract of land
10 with covenants of General warranty, but this deed of conveyance
11 has not been recorded, and in said deed of conveyance
12 your Orator States that he reserved the vendors lien for
13 the unpaid purchase money.

14 Your Orator States that the three notes or bonds before
15 referred to, were executed by said Handschell to him for
16 the purchase price of said land, and the same constitutes
17 a lien on said land, which a court of Equity will
18 enforce, and to attain that end is the object of this bill.

19 Your Orator therefore prays that said G. J. Handschell
20 be made defendant to this bill and be required to answer
21 the same on oath, and refers a hearing thereof that
22 a sale of said land be ordered to pay the balance due on
23 said three notes or bonds, and comfett prays for all general relief
24 May the commission of this writ of Habeas Corpus be directed to.

25 Henry J. Morgan for Plaintiff
26
27
28

29 On the 1st day of Sept. 1890 G. J. Handschell paid me the sum
30 of \$35.00 one half of which I credited on the note marked B, and
31 the other half on note (C) and \$17.50 I paid J. W. Orr and the
32 like sum of \$17.50 I paid to Genl A. S. Pridemore. Sept. 1890

33 H. J. Morgan

July 1.50 Pa

6.41 Pa

38 33 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
15.00 Pa

\$23.41

- 5

18.41

7.91

10.50

Clocks for paid by Hornsby
to Maj Hyatt

H. J. M.
William J. Hutton for or.

vs. Bill In Chy

G. J. Hornsby

1890 1st Aug Rules Bill
filed 2nd Exd & D. Chis

" 2d Aug Rules D. Chis
Cause set for
hearing by J. P. G.

" Sept Term Decree
of continued

" Decr continued

1891, March Term

Decree final

Costs paid

Wm. J. Hutton for vs.

vs

G. J. Handshell

Plff

D. ft.

In Chy

On calling this cause at the present term
the plaintiff, by his attorney, announced that the
claims to enforce the payment of which, this suit
was brought, had been fully paid. It is therefore
adjudged ordered and decreed that the parties
be hence discharged and the cause stricken
from the docket.

Wm J. Hutton for

vs. } Decm No 2 Final

G T. Handshell

Entered Chcy
O.B. 317, Mr. 30ⁿ
1891. Hyatt C

Enter this

April

1891

March 30 1891

H. L. M.

Wm J Hutton for vs. Peff

as.

G. J. Houndschell

Deft.

} In Chy

This cause came on this day to be heard on the bill of the Peff. and Exhibits therewith taken for confessed by the defendant. and was argued by counsel. On consideration whereof It is adjudged ordered and decreed that the Peff for the benefit of Henry J Morgan recover against G. J. Houndschell \$78.50 the aggregate sum of the three notes or bonds in the bill mentioned, with legal interest thereon from the 26th day of January 1886 till paid and the costs of this suit. Subject to the following credits \$2.50 paid Jan'y 26 1886 \$7.50 paid ^{April} March 19-1887 and \$9.00 paid March 5 1889. ^{+ also \$35.00 paid Sept 1st 1890} And it appearing that the balance due the plaintiff on said three notes, is the purchase price of land for which the vendition is retained and that the same constitutes a lien on the tract of land in the bill mentioned. It is therefore further adjudged ordered and decreed, that unless the sum above decreed the plaintiff be paid him within 20 days from the rising of the court. then that the tract of land in the bill mentioned or so much thereof as may be necessary be sold for cash in hand, and said sale shall be made at the front door of the court house ^{of Lee County} on some court day to the highest bidder at Public auction, after 30 days notice showing time terms and place of sale, and Henry J Morgan is appointed a special const. to make said sale. who before doing so is required to execute bond before the clerk of this court with good security in the penalty of \$150.00 with condition to faithfully account for all money he may receive in the cause, and he will report his action to the court. ~~And~~ the cause is continued

And is stay of further proceedings in the cause is stayed until March 1/90

Wm J. Hutton Jr &c

vs. Deane No 1

G. J. Hounsshell

Contd Chas O. B. No 4
pages 282, 3 Sept 2/890

J. A. Hyatt ©

Enter this
Sept 2 1890
H. A. N. M.

\$25.00

One day after date I bind my self heirs & to pay
Wm. J. Sutton Twenty ^{five} ~~ten~~ dollars ~~off my account~~ for land.
and I hereby waive the benefit of my homestead
exemption as to this debt. witness my hand & seal
Jan 26 1886.

witness

H. J. Morgan

G. L. Handshull (seal)
Mark

G. J. Houndskill

To { note \$2.50

W. J. Hutton

(A).

1889 March 5 Pay cash \$3.00

for the within by \$2.50 for error therein as of the date of the within

" " " 2.50 cash paid April 17 1889.

\$28.50

One day after date I bind my self him or to pay ~~Richard~~
~~Mr. J. Hutton~~ Twenty eight dollars + 50 cents for land + I
hereby waive the benefit of my exempted exemption as
to this debt witness my hand + seal. Jan 26-1886.

By ^{his} J. + H. Marshall (seal)
mark

25.00 for R.D. + O.
3.50 " G.I.D.

1887 April 17 By cash in the center \$2.50

1889 March 5 By cash \$3.00

J. Morgan has settled the above with J. W. Dow
Aug 28th 1889.

1890 Sep 1- By cash \$17.50 and I paid the same To J. W. Dow. H. J. M.

H. J. Hunsberr

To { out \$25.50

H. J. Hunsberr

\$25.50.

(B)

One day after date I promise
to pay Wm J. Hutton, twenty four
dollars, and as to this debt I here-
by waive the benefit of my
Homestead exemption as to this debt
witness my hand & seal this Jan. 26th
1886.

George J. ^{Thompson} Hounscomb (3)
mark

Attest
A. L. Pridemore

1887

Apr 19th by cash

Two days by mail - \$2.50

1889 by cash \$3.00
March 5th

1890 Sep 1-13, cash \$17.50 and the same
I paid over to A. L. Pindick - \$7.75

(2)

A. L. Pindick

203 State St

George H. Hurd
for Wm A. Hurd

W J Hutton for or.

or.

G I. Handshell

Note due W J. Morgan Jan. 26 1886 from Handshell	\$25.00
Credit by error therein at date of note	<u>2.50</u>
	22.50
Int on same to April 19 1887	<u>1.68</u>
	24.18
Credit April 19 th 1887 by	<u>2.50</u>
	21.68
Int on same to March 5 1889.	<u>2.45</u>
	24.13
Credit March 5 1889 by cash	<u>3.00</u>
	21.13
Interest on same to March 1/91	<u>2.53</u>
	23.66

Note due Orr from same Jan 26/86	28.50
Int on same to April 19 1887.	<u>1.99</u>
	30.49
Credit April 19 1887	<u>2.50</u>
	27.99
Int on same to Sept 1 1890.	<u>5.63</u>
	33.62
Credit March 5 1889 by cash	\$3.00
" Sept 1 1890 by cash	<u>17.50</u>
	20.58
Int on same to March 1/91	<u>1.812</u>
	3.9
	13.51

This claim paid me in full
as shown above
Mr 3.22/89-1. James W Orr

Note due from same to A. L. Pridemore Jan 26/86	25.00
Int on same to April 19 1887	1.75
Credit April 19 1887 by cash	26.75
	2.50
Int on same to March 5 1889	24.25
	2.64
Credit March 5 1889 by cash	26.89
	3.00
Int on same to Sept 1- 1890	23.89
	2.14
Credit Sept 1- 1890	26.03
	17.50
Int on same to March 1/91	8.53
	25
	8.78

Due H. J. Mear 1/91	\$23.66
" J. O. " " "	13.51
" A. L. B. " " "	8.79
	45.96
	10.50
	56.46

Ad. 510th St. Cor. Main St. Pa. A. L. Pridemore 1/91

45.96
18.41

64.37

Received the above debt due me from G. J. Hornsbeck in full paid me by H. J. Morgan \$17.50 heretofore & the residue \$8.70 on this day. March 3rd 1891.

A. L. Pridemore

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

G. T. Hornsshell

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *August* next, being rule day to answer a bill in Chancery exhibited in our said Court against *him* by *Wm J. Hutton who*

sues for the benefit of Henry J. Morgan

And have then and there this writ Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *31st* day of *July* 18*90*, in the 11*5* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

O. J. M.

Tap 1.50

25-

13

18

10

18

50

35-

15-

50

18-

15-

36

100

60

65-

40

76

7.91

1.50

6.41

Wm. J. Dutton for

3 Spa in Chq

G. T. Houndshell

To 1st Aug. Rules 1890.

Executed Aug 2nd 1890
by delivering an office
copy of the rothind

Sum to O. T. Spencer
This the 4th of Aug 1890

C. A. Burdick
for A. B. Munsey
S. L.